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Attorneys for Defendant
PRAXAIR DISTRIBUTION INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL INSURANCE COMPANY,

Plaintiff,

vs.

PRAXAIR DISTRIBUTION INC., a foreign
corporation; HARSCO CORPORATION,
SHERWOOD VALVE DIVISION, a foreign
corporation; ad DOES 1 THROUGH 50,
inclusive,

Defendants.

Case No. CV-04-03943 SC/EDL

**STIPULATION OF DISMISSAL AS TO
DEFENDANT PRAXAIR
DISTRIBUTION, INC.**


ORDER

IT IS HEREBY STIPULATED by and between Plaintiff FEDERAL INSURANCE
COMPANY and Defendant PRAXAIR DISTRIBUTION, INC., through their designated
counsel, that the entire action against defendant Praxair Distribution, Inc., be and hereby is
dismissed with prejudice pursuant to Federal Rules of Civil Procedure 41(a)(1).

In conjunction with this stipulation and dismissal with prejudice, Praxair Distribution,
Inc. hereby withdraws and respectfully requests that the Court take off calendar Praxair
Distribution, Inc.'s two pending motions: 1) Motion for Summary Judgment, currently pending
before Judge Samuel Conti and scheduled to be heard on September 2, 2005 at 10:00 a.m.; and
2) Motion for Award of Expenses Incurred to Make a Discovery Motion, currently pending
before Magistrate Judge Elizabeth D. LaPorte and schedule to be heard on September 13, 2005.

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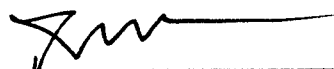
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19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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